1	ILLUMINA, INC.,
2	Plaintiff and Counterclaim-
3	Defendant
4	VS.
5	ARIOSA DIAGNOSTICS, INC.,
6	Defendant and Counterclaim- Plaintiff.
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2	When answering the following questions and filling out this Verdict Form, please follow
3	the directions provided throughout the form. Your answer to each question must be unanimous.
4	Some of the questions contain legal terms that are defined and explained in detail in the Jury
5	Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of
6	any legal term that appears in the questions below.
7	We, the jury, unanimously agree to the answers to the following questions and return them
8	under the instructions of this court as our verdict in this case.
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10	
11	FINDINGS ON INFRINGEMENT CLAIMS FOR THE '794 PATENT
12	A. Version 1 of Harmony
13	1. Has Illumina proven that it is more likely than not that Version 1 of Ariosa's
14	Harmony test infringes any of claims 1, 2, 3, 9, or 13 of U.S. Patent No. 7,955,794 (the "'794
15	patent")?
16	For each of the claims below, please check "Yes" (for Illumina) or "No" (for Ariosa).
17	Yes (Illumina) No (Ariosa)
18	a. Claim 1
19	b. Claim 2
20	c. Claim 3
21	d. Claim 9
22	e. Claim 13
23	B. Express License
24	2. Has Ariosa proven that it is more likely than not that it received an express license
25	from Illumina for Version 1 of Ariosa's Harmony test?
26	Yes (for Ariosa) No (for Illumina)
27	
28	

1	C.	Version 2	2 of Harmony		
2		3. Ha	as Illumina prov	ven that it is more li	ikely than not that Version 2 of Ariosa's
3	Harmo	ony test infi	ringes any of cla	ims 1, 2, 3, 9, or 13 of	f the '794 patent?
4		For each of	of the claims belo	ow, please check "Yes	s" (for Illumina) or "No" (for Ariosa).
5				Yes (Illumina)	No (Ariosa)
6		a.	Claim 1		
7		b.	Claim 2		
8		c.	Claim 3		
9		d.	Claim 9		
10		e.	Claim 13		
11					
12					
13					
14			FINDINGS O	ON INVALIDITY FO	OR THE '794 PATENT
15	<b>A.</b>	Anticipat	ion		
16		4. Ha	as Ariosa proven	that it is highly prob	pable that any of claims 1, 2, 3, 9, or 13 of
17	the '79	94 patent w	ere "anticipated,	" as described in the l	Instructions you were given?
18		For each of	of the claims belo	ow, please check "Yes	s" (for Ariosa) or "No" (for Illumina).
19				Yes (Ariosa)	No (Illumina)
20		a.	Claim 1		
21		b.	Claim 2		
22		c.	Claim 3		
23		d.	Claim 9		
			OI : 12		
24		e.	Claim 13	<del></del>	
24 25		e.	Claim 13		
		e.	Claim 13		
25		e.	Claim 13		
25 26		e.	Claim 13		

1	FINDINGS ON WILLFUL INFRINGEMENT FOR THE '794 PATENT (IF APPLICABLE)
2	A. Willful Infringement
3	If there are any claims of the '794 patent for which you answered "Yes" to question 1 and
4	"No" to question 2 and all parts of question 4 and/or "Yes" to question 3 and "No" to all parts of
5	question 4, please answer the following question. Otherwise, proceed to "FINDINGS ON
6	INFRINGEMENT CLAIMS FOR THE '430 PATENT."
7	5. Has Illumina proven that it is highly probable that Ariosa's infringement was
8	willful?
9	Yes (for Illumina) No (for Ariosa)
10	
11	
12	FINDINGS ON INFRINGEMENT CLAIMS FOR THE '430 PATENT
13	A. Infringement
14	6. Has Verinata proven that it is more likely than not that Version 1 of Ariosa's
15	Harmony test infringed any of claims 1, 4, or 7 of U.S. Patent No. 8,318,430 (the "'430 patent")?
16	For each of the claims below, please check "Yes" (for Verinata) or "No" (for Ariosa).
17	Yes (Verinata) No (Ariosa)
18	a. Claim 1
19	b. Claim 4
20	c. Claim 7
21	
22	FINDINGS ON INVALIDITY FOR THE '430 PATENT
23	A. Enablement
24	7. Has Ariosa proven that it is highly probable that the specification of the '430 patent
25	does not contain a description of the claimed invention that is sufficiently full and clear to enable
26	persons of ordinary skill in the field to make and use the invention for any of claims 1, 4, or 7 of
27	the '430 patent?
28	

1	For each of	the claims bel	ow, please check "Ye	es" (for Ariosa) or "No" (for V	Verinata).
2			Yes (Ariosa)	No (Verinata)	
3	a.	Claim 1			
4	b.	Claim 4			
5	c.	Claim 7			
6					
7	B. Written De	scription Req	quirement		
8	8. Has	Ariosa proven	that it is highly prob	able that the specification of	the '430 patent
9	does not contain an	adequate writ	ten description of the	claimed invention for any of	claims 1, 4, or
10	7 of the '430 patent	?			
11	For each of	the claims bel	ow, please check "Ye	es" (for Ariosa) or "No" (for No")	Verinata).
12			Yes (Ariosa)	No (Verinata)	
13	a.	Claim 1			
14	b.	Claim 4			
15	c.	Claim 7			
16					
17					
18	FIND	OINGS ON W	ILLFUL INFRING	EMENT (IF APPLICABLE	
19	A. Willful Infi	ringement			
20	If there are	any claims of	the '430 patent for w	hich you answered "Yes" to	question 6 and
21	"No" to questions	7 and 8, p	olease answer the fo	ollowing question. Otherwis	se, proceed to
22	"FINDINGS ON P	ATENT DAM	AGES (IF APPLICA	BLE)."	
23	9. Has	Verinata pro	ven that it is highly	probable that Ariosa's inf	ringement was
24	willful?				
25	Yes (f	or Verinata)	No (	(for Ariosa)	
26					
27					
28					

1	FINDINGS ON PATENT DAMAGES (IF APPLICABLE)
2	A. Damages for the '794 patent (If Applicable)
3	If you answered "Yes" to question 1 and "No" to questions 2 and all parts of question 4
4	and/or "Yes" to question 3 and "No" to all parts of question 4, please answer the question below.
5	Otherwise, please proceed to the "Damages for the '430 Patent (If Applicable)" section to
6	determine whether that section is applicable.
7	Because this case involves two different plaintiffs and two different patents, the answer to
8	the question below should not take into account any of your answers to the questions relating to
9	Verinata or the '430 patent. You should not include in your response any damages that you believe
10	Verinata or any other entity is entitled to, or any damages that you award below for the '430
11	patent.
12	10. What damages has Illumina proven that it is more likely than not entitled to as a
13	result of Ariosa's infringement of the '794 patent?
14	(words)
15	\$ (numbers)
16	
17	B. Damages for the '430 Patent (If Applicable)
18	If, for any claims of the '430 patent, you answered "Yes" to question 6 and "No" to
19	questions 7 and 8, please answer the question below. Otherwise, please proceed to "FINDINGS
20	ON ARIOSA'S COUNTERCLAIMS."
21	Because this case involves two different plaintiffs and two different patents, the answer to
22	the question below should not take into account any of your answers to the questions relating to
23	Illumina or the '794 patent. You should not include in your response any damages that you
24	believe Illumina or any other entity are entitled to, or any damages that you awarded above for the
25	<u>'794 patent</u> .
26	11. What amount has Verinata proven that it is more likely than not entitled to as a
27	result of Ariosa's infringement of the '430 patent?
28	(words)

1	\$ (numbers)
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4	FINDINGS ON ARIOSA'S COUNTERCLAIMS
5	A. Breach of Contract
6	12. Has Ariosa proven that it is more likely than not that Illumina breached its
7	contractual obligations under the 2012 Sale and Supply Agreement?
8	Yes (for Ariosa) No (for Illumina)
9	
10	B. Willful or Intentional Injury
11	13. Has Ariosa proven that it is more likely than not that Illumina willfully or
12	intentionally injured Ariosa through its breach of contract?
13	Yes (for Ariosa) No (for Illumina)
14	
15	C. Breach of Covenant of Good Faith and Fair Dealing
16	14. Has Ariosa proven that it is more likely than not that Illumina breached the
17	covenant of good faith and fair dealing implied in the 2012 Sale and Supply Agreement?
18	Yes (for Ariosa) No (for Illumina)
19	If you answered "Yes" to question 12 or 13, proceed to question 14. Otherwise, proceed to
20	the end of the verdict form.
21	
22	FINDINGS ON ARIOSA'S CONTRACT DAMAGES (IF APPLICABLE)
23	15. What is the dollar amount that Ariosa is entitled to receive from Illumina's breach
24	of contract and/or breach of covenant of good faith and fair dealing?
25	(words)
26	\$ (numbers)
27	
28	

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1	You have now reached the end of the verdict form and should review it to ensure it
2	accurately reflects your unanimous determinations. The Presiding Juror should then sign and date
3	the verdict form in the spaces below and notify the Courtroom Deputy that you have reached a
4	verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury
5	is brought back into the courtroom.
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8	Date: By: Presiding Juror
9	Presiding Juror
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